

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

PHILLIP B. ASHDOWN,

Plaintiff,

vs.

PRISON HEALTH SERVICES, *et al.*,

Defendants.

3:11-cv-00832-LRH-WGC

**ORDER**

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. On February 16, 2012, the court issued an order that, among other things, granted plaintiff's application to proceed *in forma pauperis* and required plaintiff to pay an initial installment of the filing fee in the amount of \$80.59. (ECF No. 17.) Before the court is plaintiff's motion for relief from requirement that he pay the initial installment fee. (ECF No. 21.) Plaintiff states that he does not have the funds available to pay \$80.59. Defendants have filed a non-opposition to plaintiff's motion. (ECF No. 27.)

**IT IS THEREFORE ORDERED** that initial installment fee of \$80.59 imposed by the court in its February 16, 2012 order is hereby **VACATED**. However, even if this action is dismissed, or is otherwise unsuccessful, the full filing fee shall still be due, pursuant to 28 U.S.C. §1915, as amended by the Prisoner Litigation Reform Act of 1996.

DATED: March 7, 2012.

  
 UNITED STATES MAGISTRATE JUDGE